

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: Edward J. Roche and Kathleen J. Roche, Debtors, U.S. Bank Trust National Association, as Trustee of Bungalow Series F Trust Movant, vs. Natalie Lutz Cardiello, Trustee, Respondents.) Bankruptcy No. 15-23639 GLT)) Chapter 7) Related Document No. 183-181) Hearing Date: 12/21/17 @10:00 a.m.) Response Date: 12/16/17)))) Document No.
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**DEBTORS' RESPONSE TO MOTION OF U.S. BANK TRUST NATIONAL
ASSOCIATION, AS TRUSTEE OF BUNGALOW SERIES F TRUST FOR RELIEF
FROM THE AUTOMATIC STAY UNDER 11 U.S.C. §362 (d) WITH RESPECT TO
PROPERTY: 5632 FAIRFIELD DRIVE, GIBSONIA, PA 15044**

AND NOW, come the Debtors, Kathleen J. Roche and Edward J. Roche, by and through their attorneys, Calaiaro Valencik and Donald R. Calaiaro, and present the following:

1. Denied as stated; The Mortgage was granted to Suntrust Mortgage, Inc. Proof of claim, 55-1 was filed by Seterus, Inc. as the authorized servicer for Federal National Mortgage Association ("Fannie Mae), creditor c/o Seterus, Inc. Neither the Proof of claim No. 55-1 nor this Motion explains why the Movant has standing to institute this action. Proof of standing and the right of Movant to make this claim is demanded. The Movant has not provided sufficient information in its motion to respond to the allegations in paragraph 1. Therefore, the allegation is denied. The Movant has not demonstrated that the Movant has standing. It is a servicer and not a party in interest. . It is not entitled to bring this Motion as a servicer. **In re: Sheridan, 08-20381-TLM, 2009 WL 631355, (Bankr. D. ID., March 12, 2009); In re: Jacobson, W.L. 567188 (Bankr. W.D. WA.,**

**March 6, 2009); In re: Brooks, 2008 WL 416268 (Bankr. E.D. PA., February 13, 2008);
In re: Hayes, 393 B.R. 259, (Bankr .D. MA. 2008).**

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

6. Denied as stated; the assignment(s) do not clearly trace the chain of title from SunTrust to the Movant.

7. Admitted.

8. Denied; the Debtors filed bankruptcy to deal with other creditors' claims and pending executions.

9. Denied as stated; the Debtors are unable to verify the escrow balance without an accounting. The Movant is in the exclusive possession of the record; the Debtors request an accounting of the escrow balance and the accrued interest.

10. Paragraph 10 is a conclusion of law, which is denied. The Debtors are unable to admit or deny the entitlement of the Movant to counsel fees without an itemization or specific claim for counsel fees.

11. It is admitted that there are no other liens on this property.

12. Paragraph 11 is a conclusion of law, which is denied.

13. Denied; the Debtors believe that the Movant is adequately protected by any equity in this property. They need time to relocate.

14. Paragraph 14 is a conclusion of law, which is denied. The Movant is entitled to adequate protection if it is the holder of the mortgage.

15. Paragraph 14 is a conclusion of law, which is denied. There is no cause to abrogate Bankruptcy Rule 4001(a)(3). The Movant will not incur any substantial costs during that 14 day period.

WHEREFORE, Debtors request that the Motion be denied.

Respectfully submitted,

Dated: November 30, 2017

BY: /s/ Donald R. Calaiaro
Donald R. Calaiaro, Esquire, PA I.D. #27538
dcalaiaro@c-vlaw.com

BY: /s/ David Z. Valencik
David Z. Valencik, Esquire, PA I.D. #308361
dvalencik@c-vlaw.com

BY: /s/ Michael Kaminski
Michael Kaminski, Esquire, PA I.D. 53493
mkaminski@c-vlaw.com

CALAIARO VALENCIK
428 Forbes Avenue, Suite 900
Pittsburgh, PA 15219-1621
(412) 232-0930

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FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:) Bankruptcy No. 15-23639 GLT
Edward J. Roche and)
Kathleen J. Roche,) Chapter 7
Debtors,)
) Related Document No. 183-181
U.S. Bank Trust National Association, as) Hearing Date: 12/21/17 @10:00 a.m.
Trustee of Bungalow Series F Trust) Response Date: 12/16/17
Movant,)
vs.)
Natalie Lutz Cardiello, Trustee,)
Respondents.) Document No.

**CERTIFICATE OF SERVICE OF Debtors' Response To Motion Of U.S. Bank Trust
National Association, As Trustee Of Bungalow Series F Trust For Relief From The
Automatic Stay Under 11 U.S.C. §362 (D) With Respect To Property: 5632 Fairfield
Drive, Gibsonia, Pa 15044**

I certify under penalty of perjury that I served the above captioned pleading on the parties at the addresses specified below or on the attached list on November 30, 2017

Service by First Class Mail:

Mr. and Mrs. Edward Roche, 5632 Fairfield Drive, Gibsonia, PA 15044

Service by NEF:

Christopher M. McMonagle, Stern & Eisenberg, P.C., 1581 Main Street, Suite 200, Warrington,
PA 18976-3400

Natalie Lutz Cardiello, Esquire, 107 Huron Drive, Carnegie, PA 15106

The type(s) of service made on the parties (first-class mail, electronic notification, hand delivery, or another type of service) was: **First-Class Mail or Electronic Notification.**

If more than one method of service was employed, this certificate of service groups the parties by the type of service. For example, the names and addresses of parties served by electronic notice will be listed under the heading "Service by Electronic Notification," and those served by mail will be listed under the heading "Service by First-Class Mail."

Executed On: November 30, 2017

BY: /s/ Donald R. Calaiaro
Donald R. Calaiaro, Esquire, PA I.D. #27538
dcalaiaro@c-vlaw.com

BY: /s/ David Z. Valencik
David Z. Valencik, Esquire, PA I.D. #308361

dvalencik@c-vlaw.com

BY: /s/ Michael Kaminski

Michael Kaminski, Esquire, PA I.D. 53493

mkaminski@c-vlaw.com

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